

PATENT  
Customer Number 22,852  
Attorney Docket No. 08702.0081

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Man Sung Co, *et al.* ) Group Art Unit: 1644  
Serial No.: 09/249,011 ) Examiner: P. Gambel  
Filed: February 12, 1999 )  
For: HUMANIZED IMMUNOGLOBULIN )  
REACTIVE WITH B7-2 MOLECULES )  
AND METHODS OF TREATMENT )  
THEREWITH )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**MICROORGANISM DEPOSIT DECLARATION UNDER 37 C.F.R. § 1.808(a)**

I, M. Andrea Ryan, do hereby declare and say that:

1. Genetics Institute, Inc. is the assignee of the above-identified patent application.
2. On information and belief, the recombinant CHO cell line which produces the humanized anti-B7-2 monoclonal antibody was deposited on May 5, 1998 under Accession Number CRL-12524 to assure availability of the cell culture to the public.
3. On information and belief, the A.T.C.C. has acquired the status of International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

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PATENT  
Customer No. 22,852  
Serial No. 09/249,011  
Attorney Docket No. 08702.0081

4. Said culture has been deposited under conditions which ensure that access to the culture will be available during the pendency of this patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Section 1.22.

5. No later than issuance of a patent on this application, Genetics Institute will irrevocably remove any restrictions as to public availability of this culture deposit except as permitted by 37 C.F.R. Section 1.808(b), and will replace the culture deposit should it become nonviable, during the period that extends thirty years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest.

6. I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8/28/02  
Date

  
Name: M. Andrea Ryan  
Title: Assistant Secretary

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Genetics Institute, Inc.  
Attn: Gary Gray, Ph.D.  
87 CambridgePark Drive  
Cambridge, MA 02140

Deposited on Behalf of: Genetics Institute, Inc.

Identification Reference by Depositor:

ATCC Designation

Recombinant CHO GI-2G19-100

CRL-12524

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received May 5, 1998 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 2, 1998. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: June 24, 1998

cc: David E. Brook, Esq. (Ref. Docket GI-5815)

AMERICAN TYPE CULTURE COLLECTION  
10801 University Boulevard  
Manassas, VA 20110-2209 USA

Telephone: 703-365-2700

FACSIMILE

**FAX**

Date: June 2, 1998

To: David Brook  
Hamilton, Brook et al

City & Country: Lexington, MA

Fax Number: 1-781-861-9540

Total number of pages including this page: One (1)

From: ATCC Patent Depository

ATCC Patent Depository Fax Number: 703-365-2745

Reference: Patent deposit, Dr. Gary Gray, Genetics Institute (Docket GI-5815).

CHO cell line GI-2G19-100 assigned ATCC CRL-12524. Date of deposit 5-05-98. Paperwork will be forwarded to you in a few days.

An invoice will be sent under separate cover as follows:

One time fee - 30 years  
Informing of Requesters  
Viability test

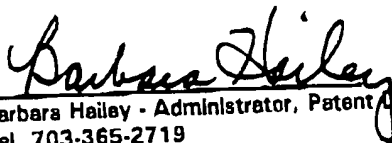
\$ 600.00  
360.00  
100.00

Total due ATCC CRL-12524  
PAID BY CHECK 28792

\$1,060.00  
-1,060.00

- 0 -

Balance due

  
Barbara Healey - Administrator, Patent Depository  
Tel. 703-365-2719

The information contained in this facsimile is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination or distribution, except to the intended recipient of this communication, is prohibited. If you have received this communication in error, please call us immediately at the telephone number listed above.

DAVID E. BROOK  
JAMES M. SMITH  
LEO M. REYNOLDS  
PATRICIA GRANAHAN  
JOHN L. DUPRE  
DAVID J. BRODY  
MARY LUC WAKIMURA  
THOMAS O. FCOVER  
ALICE O. CARROLL  
N. SCOTT PIERCE  
HELEN E. WENDLER  
SUSAN G. L. GLOVSKY  
DOREEN M. HOGUE  
RICHARD W. WAGNER

GERALD M. BLUM  
RAYMOND I. BRUTTOMESSO, JR.\*  
BARRY W. CHAPIN  
ANNE J. COLLINS  
ROBERT T. CONWAY  
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CAROL A. EGNER  
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J. GRANT HOUSTON  
DAVID E. HUANG  
RODNEY D. JOHNSON  
HELEN LEE  
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TIMOTHY J. MEAGHER  
NINA L. PEARLMUTTER  
DEIRDRE E. SANDERS  
ROBERT J. SAYRE  
LISA M. TREANNIE  
DARRELL L. WONG  
\*NOT ADMITTED IN MASS

## HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

TWO MILITIA DRIVE - LEXINGTON, MASSACHUSETTS 02173-4799  
TELEPHONE: (781) 861-6240 - FACSIMILE: (781) 861-9540  
PATENTS, TRADEMARKS, COPYRIGHTS AND LITIGATION

**FILE COPY**

MUNROE H. HAMILTON  
(1906-1984)

CAROLYN S. ELMORE  
SUPERVISING PATENT AGENT

OF COUNSEL

RICHARD A. WISE  
DAVID J. THIBODEAU, JR.

TECHNICAL SPECIALISTS

SUSAN M. ABELLEIRA  
SANDRA A. BROCHMAN  
THERESA A. DEVLIN  
STEPHEN J. GAUDET  
EDGAR W. HARLAN  
JOYCE C. MILLER  
MARY F. MURRAY  
KENYON L. SCHUETT

JOHN W. MEDBURY  
ADMINISTRATIVE DIRECTOR

BARBARA J. FORGUE  
ADMINISTRATOR OF PATENT  
AND TRADEMARK PRACTICE

April 30, 1998

### VIA FEDERAL EXPRESS

Ms. Barbara Hailey  
Administrator  
Patent Depository  
American Type Culture Collection  
12301 Parklawn Drive  
Rockville, Maryland 20852

Re: Check in Payment for Deposit by Dr. Gary Gray on behalf of  
Genetics Institute  
GI-5815, "Humanized Immunoglobulin for B7.2"

Dear Ms. Hailey:

Enclosed please find a check in the amount of \$1060, which includes the fee for storage and maintenance under the Budapest Treaty (\$600), fee for viability testing (\$100) and fee for 30-year notification of requestors (\$360). This check is in payment for a deposit which is being forwarded to you by:

Dr. Gary S. Gray  
Senior Scientist  
Genetics Institute  
87 Cambridge Park Drive  
Cambridge, MA 02140

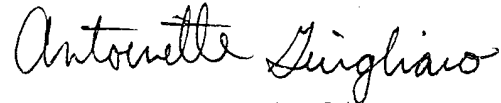
Also enclosed please find a copy of the BP/1 form signed by Dr. Gray. Dr. Gray will forward the deposit with a signed and completed deposit form (BP/1) to the ATCC under separate cover. The deposit is being made in connection with a new U.S. Patent Application (corresponding to our Attorney Docket No. GI-5815).

Ms. Barbara Hailey  
April 30, 1998  
Page 2

The ATCC is authorized to charge any additional fees relating to this matter to our account (No. 4762).

Please forward the notification to David E. Brook at (781) 861-9540. Thank you for your help in this matter.

Very truly yours,



Antoinette G. Giugliano

AGG/jw  
Enclosure

cc: Scott A. Brown, Esq.  
Gary S. Gray, Ph.D.  
Ms. Trudy Veldman  
Ms. Judy Barrett  
David E. Brook, Esq.  
Anne J. Collins, Esq.

K:\AGIUGLIA\GI\5815\CORRES\ATCC.LTR

## Budapest Treaty Deposits

### American Type Culture Collection

12301 Parklawn Drive, Rockville, MD 20852 USA, Telephone (301) 231-5519/5620 Fax (301) 816-4366

#### TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

##### All questions must be completed.

1. Name of deposit. (If microorganism, complete scientific name including genus and species and source of material; If virus, name and whether or not plant or animal and source including geographic location; if cell line, provide tissue & species, geographical source of isolation and any known hazards associated (e.g. HIV, EBV, etc.); if genetic materials, name of organism from which vector, clone or library is derived, source of the DNA insert identified by species (e.g. human, mouse) or scientific name and provide name of gene and identity of the host organism.)  
Recombinant CHO (Chinese hamster ovary; #PA-CHO-DOKX-153.8) cell line  
expressing genes for the humanized anti-human B7.2 (CD86) monoclonal  
antibody (#HF2.3D1).
2. Strain designation (i.e., number, symbols, etc.) GI-2G19-100
3. Is this an original deposit under the Budapest Treaty? Yes
4. Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty? If so, please indicate ATCC designation. No
5. Is this deposit a mixture of microorganisms or cells? No
6. Provide details necessary to cultivate test for viability and store deposit. If mixture, provide description of components and a method to check presence. (If plasmid, provide name of host & antibiotic resistance). Culture cells in alpha-MEM  
medium containing 2 mM glutamine, 10% fetal calf serum, & 0.1 uM methotrexate.  
Culture cells at 37°C, 7.5% CO<sub>2</sub>. Store cells in suitable mammalian cell line  
storage medium in liquid nitrogen.
7. Provide sufficient description so that ATCC may confirm deposit properties (e.g., Gram negative rod). CHO cells line  
expressing a human anti-human B7.2 (CD86) monoclonal antibody of IgG2 isotype.
  - a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? If so, please list the antibiotics Culture in  
0.1uM methotrexate.
  - b. If deposit is a hybridoma, what is the isotype of antibody produced? \_\_\_\_\_
8. Is this strain hazardous to humans? No, animals? No, plants? No. If yes, what is the recommended biosafety level for working with this strain BL-1 (Ref. Guidelines for Research Involving Recombinant DNA Molecules, NIH Guidelines, January 1996) [www.nih.gov/od/orda/toc.htm]
9. Availability: Prior to issuance of a U.S. Patent, ATCC will only make a culture available as instructed by the depositor or relevant patent office. Samples must be provided to a specific investigator if a pertinent patent office under the Budapest Treaty instructs ATCC to do so. The following questions must be answered
  - a. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit made available to anyone who requests a culture? If yes, there are no restrictions on distribution. Yes \_\_\_\_\_ No No
  - b. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit made available to requesters which satisfy Patent Offices in countries not signatory to the Budapest Treaty? If "yes," please state which countries below. Yes \_\_\_\_\_ No No

Please note that if you are converting your deposit to meet the requirements of the Budapest Treaty, and your deposit has already been released for distribution due to the issuance of a U.S. Patent, you cannot restrict it from further distribution.

After a U.S. Patent issues, and we are so notified, ATCC makes the culture available to anyone who requests it, as allowed under U.S. Patent and Trademark Office Rules and Regulations (37 CFR § 1.808 [a](2)).

10. Do you wish ATCC to inform you of all requests for this strain? Yes x No       

11. ATCC will notify you of your ATCC        after confirmation of viability testing is complete. (No Charge).

Name of Individual to notify: David E. Brook, Esq.

Fax No. (781) 861-9540

Telephone No. (781) 861-6240

12. Payment by check, or credit card (MasterCard, VISA or American Express), must accompany the deposit unless prior arrangements for billing have been made and approved. If arrangements have been made to bill you for services, please indicate person who should receive invoice. Also, please include P.O. number.

A check for \$1060 (\$600 for 30 years storage; \$100 for viability testing; \$360 for 30-year notification of requests) is being sent from Hamilton,

Credit Card number (indicate MasterCard, VISA, Brook, Smith & Reynolds, P.C. with authorization or American Express)        Expiration Date        to charge additional fees to

#        Account No. 4762.

Type or print the name shown on credit card       

Signature       

For ATCC use only: Auth:       

ROC #:       

13. Name, address, telephone and facsimile number of your attorney of record. David E. Brook, Esq.  
Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Dr., Lexington, MA 02173  
tel (781) 861-6240/fax (781) 861-9540 (Ref: Docket or Case No. GI-5815)

14. MUST BE COMPLETED. Deposited on behalf of: (Verify with your management who owns the deposit. The owner is usually a company or institute, and normally is not an individual.) Genetic Institute, 87 Cambridge Park Drive, Cambridge, MA 02140. Deposit is made on behalf of Genetics Institute in connection with a new application corresponding to our docket no. GI-5815.

I understand and agree that the deposit may not be withdrawn by me for a period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit or 5 years after the date of the most recent request for the deposit, whichever is longer), and that if a culture should die or be destroyed during the life of the patent, or the period of time so specified, it is my responsibility to replace it with a living culture of the same organism or cell. In the cases of viruses, cell cultures, plasmids, embryos, and seeds, it is my responsibility to supply a sufficient quantity for distribution for the period of time specified above.

Gary Gray, Ph.D.

Typed Name

Signature Gary Gray

Date April 29, 1998

Address. 87 Cambridge Park Drive  
Cambridge, MA 02140

### THIS FORM MUST BE COMPLETED IN ENGLISH

ADDRESS SHIPMENTS AND FORM TO THE ATTENTION OF:

Patent Depository  
American Type Culture Collection  
12301 Parklawn Drive  
Rockville, MD 20852 U.S.A.

#### ALL FEES SUBJECT TO CHANGE:

FEES: 30 years' storage \$800. 30 years' notification \$360. Viability testing \$100 to \$400 or quoted price, dependent upon necessary material and/or equipment. Prepare additional samples of cells or hybridomas \$500. Return sample for approval (if not submitted frozen or freeze-dried or the required number) \$130. Additional costs for return of samples outside U.S.A. STORAGE: Cultures are stored for 30 years from date of deposit or five years after the last request for a sample, whichever is longer, as required under the rules of patent offices in most countries.

ATCC USE ONLY: ATCC DESIGNATION        REC'D        V.T. RESULT       

Name of Deposit        Strain Designation       

Form 85/1 Page 2 of 2 Rev. 1/97



## Budapest Treaty Deposits

### American Type Culture Collection

12301 Parklawn Drive, Rockville, MD 20852 USA, Telephone (301) 231-5519/5620 Fax (301) 816-4366

#### TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

##### All questions must be completed.

1. Name of deposit. (If microorganism, complete scientific name including genus and species and source of material; If virus, name and whether or not plant or animal and source including geographic location; if cell line, provide tissue & species, geographical source of isolation and any known hazards associated (e.g. HIV, EBV, etc.); if genetic materials, name of organism from which vector, clone or library is derived, source of the DNA insert identified by species (e.g. human, mouse) or scientific name and provide name of gene and identity of the host organism.)  
Recombinant CHO (Chinese hamster ovary; #PA-CHO-DUKX-153.8) cell line  
expressing genes for the humanized anti-human B7.2 (CD86) monoclonal  
antibody (#HF2.3D1).
2. Strain designation (i.e., number, symbols, etc.) GI-2G19-100
3. Is this an original deposit under the Budapest Treaty? Yes
4. Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty? If so, please indicate ATCC designation. No
5. Is this deposit a mixture of microorganisms or cells? No
6. Provide details necessary to cultivate test for viability and store deposit. If mixture, provide description of components and a method to check presence. (If plasmid, provide name of host & antibiotic resistance). Culture cells in alpha-MEM  
medium containing 2 mM glutamine, 10% fetal calf serum, & 0.1 uM methotrexate.  
Culture cells at 37°C, 7.5% CO<sub>2</sub>. Store cells in suitable mammalian cell line  
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expressing a human anti-human B7.2 (CD86) monoclonal antibody of IgG2 isotype.
  - a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? If so, please list the antibiotics. Culture in  
0.1uM methotrexate.
  - b. If deposit is a hybridoma, what is the isotype of antibody produced? \_\_\_\_\_
8. Is this strain hazardous to humans? No, animals? No, plants? No. If yes, what is the recommended biosafety level for working with this strain BL-1. (Ref. Guidelines for Research Involving Recombinant DNA Molecules, NIH Guidelines, January 1996) [www.nih.gov/od/orda/toc.htm]
9. **Availability:** Prior to issuance of a U.S. Patent, ATCC will only make a culture available as instructed by the depositor or relevant patent office. Samples **must be** provided to a specific investigator if a pertinent patent office under the Budapest Treaty instructs ATCC to do so. The following questions **must be answered**.
  - a. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit made available to anyone who requests a culture? If yes, there are no restrictions on distribution. Yes \_\_\_\_\_ No No
  - b. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit made available to requesters which satisfy Patent Offices in countries not signatory to the Budapest Treaty?  
If "yes," please state which countries below. Yes \_\_\_\_\_ No No

Please note that if you are converting your deposit to meet the requirements of the Budapest Treaty, and your deposit has already been released for distribution due to the issuance of a U.S. Patent, you cannot restrict it from further distribution.

After a U.S. Patent issues, and we are so notified, ATCC makes the culture available to anyone who requests it, as allowed under U.S. Patent and Trademark Office Rules and Regulations (37 CFR § 1.808 [a][2]).

10. Do you wish ATCC to inform you of all requests for this strain? Yes x

11. ATCC will notify you of your ATCC number after confirmation of viability testing is complete (No Charge).  
Name of Individual to notify: David E. Brook, Esq.

Fax No. (781) 861-9540

Telephone No. (781) 861-6240

12. Payment by check, or credit card (MasterCard, VISA or American Express), must accompany the deposit unless prior arrangements for billing have been made and approved. If arrangements have been made to bill you for services, please indicate person who should receive invoice. Also, please include P.O. number.

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Expiration Date to charge additional fees to  
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Type or print the name shown on credit card \_\_\_\_\_

Signature \_\_\_\_\_

For ATCC use only: Auth: \_\_\_\_\_

ROC #: \_\_\_\_\_

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Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Dr., Lexington, MA 02173  
tel (781) 861-6240/fax (781) 861-9540 (Ref: Docket or Case No. GI-5815)

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in connection with a new application corresponding to our docket no. GI-5815.  
I understand and agree that the deposit may not be withdrawn by me for a period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit or 5 years after the date of the most recent request for the deposit, whichever is longer), and that if a culture should die or be destroyed during the life of the patent, or the period of time so specified, it is my responsibility to replace it with a living culture of the same organism or cell. In the cases of viruses, cell cultures, plasmids, embryos, and seeds, it is my responsibility to supply a sufficient quantity for distribution for the period of time specified above.

✓ Gary Gray, Ph.D.

Typed Name

Gary Gray  
Signature

April 29, 1998  
Date

Address: 87 Cambridge Park Drive  
Cambridge, MA 02140

### THIS FORM MUST BE COMPLETED IN ENGLISH

ADDRESS SHIPMENTS AND FORM TO THE ATTENTION OF:

Patent Depository  
American Type Culture Collection  
12301 Parklawn Drive  
Rockville, MD 20852 U.S.A.

#### ALL FEES SUBJECT TO CHANGE:

FEES: 30 years' storage \$600 30 years' notification \$360. Viability testing \$100 to \$400 or quoted price, dependent upon necessary material and/or equipment. Prepare additional samples of cells or hybridomas \$500. Return sample for approval (if not submitted frozen or freeze-dried or the required number) \$130. Additional costs for return of samples outside U.S.A. **STORAGE:** Cultures are stored for 30 years from date of deposit or five years after the last request for a sample, whichever is longer, as required under the rules of patent offices in most countries.

ATCC USE ONLY: ATCC DESIGNATION \_\_\_\_\_ REC'D \_\_\_\_\_ V.T. RESULT \_\_\_\_\_

Name of Deposit \_\_\_\_\_ Strain Designation \_\_\_\_\_

Form BP/1 Page 2 of 2 Rev. 1/97

Alan Harris Ph.D.  
Project Director

GENETICS  INSTITUTE

A Subsidiary of American Home Products Corporation

GENETICS  INSTITUTE

87 CambridgePark Drive  
Cambridge, MA 02140  
Telephone (617) 503-7425  
Telefax (617) 498-8863  
aharris@genetics.com

F A X

FAX

TO: Antoinette Giugliano HAMILTON, BROOK, SMITH, REYNOLDS

781 - ~~861~~ - 9540

861

FROM: Gary Gray/Genetics Institute

DATE: 29 April 1998

Number of pages including title page: 3

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MESSAGE:

enclosed please find a FAX from Gary Gray

## Budapest Treaty Deposits

American Type Culture Collection

12301 Parklawn Drive, Rockville, MD 20852 USA. Telephone (301) 231-5519/5620 Fax (301) 816-4366

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF BUDAPEST  
TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

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1A-CHO-DOCK # 153.8  
Recombinant CHO cell line expressing genes for a  
humanized anti human B7.2 monoclonal antibody (# HP2.3D)  
(C036)
2. Strain designation (i.e., number, symbols, etc.) GI-2919-100
3. Is this an original deposit under the Budapest Treaty? YES
4. Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty? If so, please indicate ATCC designation. NO
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6. Provide details necessary to cultivate test for viability and store deposit. If mixture, provide description of components and a method to check presence. (If plasmid, provide name of host & antibiotic resistance). culture in  
alpha-MEM, 2 mM glutamine, 10% FBS, 0.1 µM methotrexate
7. Provide sufficient description so that ATCC may confirm deposit properties (e.g., Gram negative rod). CHO cell  
gene expressing human anti human B7.2 mAb IgG2 subtype  
(C036)
- a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? If so, please list the antibiotics 0.1 µM methotrexate
- b. If deposit is a hybridoma, what is the isotype of antibody produced? \_\_\_\_\_
8. Is this strain hazardous to humans? \_\_\_\_\_ animals? \_\_\_\_\_, plants? \_\_\_\_\_. If yes, what is the recommended biosafety level for working with this strain \_\_\_\_\_. (Ref. Guidelines for Research Involving Recombinant DNA Molecules, NIH Guidelines, January 1996) [www.nih.gov/od/orda/toc.htm]
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- b. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit made available to requesters which satisfy Patent Offices in countries not signatory to the Budapest Treaty? If "yes," please state which countries below. Yes \_\_\_\_\_ No \*

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10. Do you wish ATCC to inform you of all requests for this strain? Yes \* No \_\_\_\_\_
11. ATCC will notify you of your ATCC number after confirmation of viability testing is complete (No Charge).  
Name of Individual to notify: DAVID E BROOK ESQ  
Fax No. (781)-861-9540 Telephone No. 781-861-6240
12. Payment by check, or credit card (MasterCard, VISA or American Express), must accompany the deposit unless prior arrangements for billing have been made and approved. If arrangements have been made to bill you for services, please indicate person who should receive invoice. Also, please include P.O. number.  
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Card number (indicate MasterCard, VISA, or American Express)  
No. \_\_\_\_\_ Expiration Date \_\_\_\_\_  
Type or print the name shown on credit card \_\_\_\_\_ Signature \_\_\_\_\_
- For ATCC use only: Auth: \_\_\_\_\_ ROC #: \_\_\_\_\_
13. Name, address, telephone and facsimile number of your attorney of record. \_\_\_\_\_  
\_\_\_\_\_  
(Ref: Docket or Case No. \_\_\_\_\_)
14. **MUST BE COMPLETED.** Deposited on behalf of: (Verify with your management who owns the deposit. The owner is usually a company or institute, and normally is not an individual.) \_\_\_\_\_  
\_\_\_\_\_

*I understand and agree that the deposit may not be withdrawn by me for a period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit or 5 years after the date of the most recent request for the deposit, whichever is longer), and that if a culture should die or be destroyed during the life of the patent, or the period of time so specified, it is my responsibility to replace it with a living culture of the same organism or cell. In the cases of viruses, cell cultures, plasmids, embryos, and seeds, it is my responsibility to supply a sufficient quantity for distribution for the period of time specified above.*

Typed Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

**THIS FORM MUST BE COMPLETED IN ENGLISH**

ADDRESS SHIPMENTS AND FORM TO THE ATTENTION OF:

Patent Depository  
American Type Culture Collection  
12301 Parklawn Drive  
Rockville, MD 20852 USA

**ALL FEES SUBJECT TO CHANGE:**

**FEES:** 30 years' storage \$600. 30 years' notification \$360. Viability testing \$100 to \$400 or quoted price, dependent upon necessary material and/or equipment. Prepare additional samples of cells or hybridomas \$500. Return sample for approval (if not submitted frozen or freeze-dried or the required number) \$130. Additional costs for return of samples outside USA. **STORAGE:** Cultures are stored for 30 years from date of deposit or five years after the last request for a sample, whichever is longer, as required under the rules of patent offices in most countries.

ATCC USE ONLY: ATCC DESIGNATION \_\_\_\_\_ REC'D \_\_\_\_\_ V.T. RESULT \_\_\_\_\_  
Name of Deposit \_\_\_\_\_ Strain Designation \_\_\_\_\_

SENT BY: GENETICS INSTITUTE  
Feb-12-99 14:17 From: HBSR

99 : 3:57PM :

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T-520 P 01/02 F-828

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
Two Milina Drive  
Lexington, MA 02421-4702

**FAX**

Telephone: (781) 861-6240

Facsimile: (781) 861-9540

**FACSIMILE COVER SHEET**

**Date:**

February 12, 1999

**To:**

Scott A. Brown, Esq.

**Client Code:**

1290

**Fax Number:**

(617) 876-5851

**From:**

Antoinette G. Giugliano, Esq. *AGG*

**Subject:**

GI-5315

Number of pages including this cover sheet: 2

Please confirm receipt of facsimile: Yes ☒ No ☐

**Comments:**

*To: A. Giugliano*

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AUTHORISATION UNDER RULE 28(1)(d) EPC

DEPOSIT OF BIOLOGICAL MATERIAL

Representatives' Reference GI-5315

I (We)<sup>1</sup>:

Genetics Institute, Inc  
87 Cambridge Park Drive  
Cambridge, MA 02140, USA

have deposited with<sup>2</sup>: American Type Culture Collection  
under accession No. CRL-12524 biological material in accordance with the Budapest  
Treaty (or, where applicable, the bilateral agreement between the EPO and the depositary  
institution concerned).

I (We) hereby authorise<sup>3</sup>

Gary S. Gray, Abigail Celniker, Bonita Rupp, Denise O'Hara, Samuel Goldman,  
Andrea Knight, Trudi Veldman, Beatriz Carreno, Mary Collin, Man Sung Co and  
Maximiliano Vasquez

to refer to the aforementioned deposited biological material in European (or International) patent  
application No. GI-5815 and give my (our) unreserved and irrevocable consent to the  
deposited material being made available to the public in accordance with Rule 28 EPC.

Place

CAMBRIDGE, MA

Date

2/2/99

Signature(s)<sup>5</sup>:

B. Leicher

Bruce Leicher  
Vice President - Law  
for Genetics Institute, Inc.

- 1 Insert in full, name and address of depositor, for individuals surname should be given first
- 2 Insert name of recognised depositary institution.
- 3 Insert name of applicant for patent
- 4 Where number not available insert applicant's/representative's reference number
- 5 Capacity of signatory should be stated

AUTHORISATION UNDER RULE 28(1)(d) EPC

DEPOSIT OF BIOLOGICAL MATERIAL

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deposited material being made available to the public in accordance with Rule 28 EPC.

Place \_\_\_\_\_

Date \_\_\_\_\_

Signature(s)<sup>5</sup>: \_\_\_\_\_

Bruce Leicher

Vice President - Law

for Genetics Institute, Inc.

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